

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTIONS 9.6.3 (ADDITIONS AND ALTERATIONS TO  
NONCONFORMING STRUCTURES) AND 23.5.4 (SPECIAL PROVISIONS –  
RESIDENTIAL DISTRICTS – PERMITTED SIGNAGE) OF BELMONT ZONING  
ORDINANCE NUMBER 360

**WHEREAS**, on May 1, 2007, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on amendments to Section 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), 9.6.3 (Additions and Alterations to Nonconforming Structures), and 23.5.4 (Special Provisions – Residential Districts – Permitted Signage) of the Belmont Zoning Ordinance; and,

**WHEREAS**, on July 10, 2007, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on the aforementioned Zoning Code amendments; and,

**WHEREAS**, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth; and,

**WHEREAS**, the City Council hereby adopts the staff report (dated July 10, 2007) and the facts contained therein as its own findings of fact; and,

**WHEREAS**, the City Council finds the proposed amendments to be Categorically Exempt pursuant to CEQA Section 15308 – *Actions of Regulatory Agencies for the Protection of the Environment*; and,

**WHEREAS**, the City Council after consideration of all testimony and reports, hereby determines that the proposed amendments to Sections 9.6.3 (Additions and Alterations to Nonconforming Structures), and 23.5.4 (Special Provisions – Residential Districts – Permitted Signage) of the Belmont Zoning Code achieves the objectives of the Zoning Plan and the General Plan for the City. These amendments would provide for more current and comprehensive development standards for residential addition projects and residentially zoned uses, and support protecting and promoting the comfort, convenience, and general welfare of the community, advancing the goal of providing a precise guide for physical development of the city, and fulfilling the General Community Goals and Policies of the General Plan.

**WHEREAS**, the City Council hereby mandates that the aforementioned Belmont Zoning Ordinance amendment regarding additions and alterations to nonconforming structures shall be effective for any project submitted after July 10, 2007.

**SECTION 1:** NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Section 9.6.3 (Additions and Alterations to Nonconforming Structures) of the Belmont Zoning Code be hereby amended to read as follows:

- 9.6.3 No nonconforming structure shall be moved, altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards of coverage, front yard, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located. For purposes of this section, additions in an R-1A, R-1B, or R-1C District shall comply with applicable current setback and height requirements.

**NOW, THEREFORE BE IT FURTHER ORDAINED** by the City Council of the City of Belmont that Section 23.5.4 (Special Provisions – Residential Districts – Permitted Signage) of the Belmont Zoning Code be hereby amended to read as follows:

- 23.5.4 (a) Home Occupation. A nameplate not exceeding one (1) square foot in area is permitted for a home occupation.
- (b) Churches. A church bulletin board not exceeding 12 (twelve) square feet in area is permitted, with letters not more than six (6) inches in height, not illuminated, which shall serve only to identify a church and announce its services and activities; and which shall be located in a required front or side yard, but not closer than ten (10) feet to any street line and no closer than five (5) feet to any side property line.
- (c) Conditional Uses. An identification sign is permitted for an approved conditional use in an R-1 District located on the site of said conditional use, provided that the sign shall not exceed eight (8) square feet in area, shall not be illuminated, and shall have letters no more than six (6) inches in height and shall not be located in or project into a required front, side or rear yard; and further provided that when located on a building the sign shall be flat against a wall and not project above the cornice or roof line. When freestanding, any such sign shall be no more than four (4) feet above grade.
- (d) Non-commercial signs are allowed to be up to 12 square feet in area, and shall otherwise comply with placement requirements in subsection (c) above.

**SECTION 2: Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

**SECTION 3:** Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

**SECTION 4:** The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

**INTRODUCED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\* \* \* \* \*

**PASSED AND ADOPTED** as an Ordinance of the City of Belmont at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

AYES, COUNCILMEMBERS: \_\_\_\_\_

NOES, COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN, COUNCILMEMBERS: \_\_\_\_\_

ABSENT, COUNCILMEMBERS: \_\_\_\_\_

RECUSED, COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
MAYOR of the City of Belmont

ATTEST:

\_\_\_\_\_  
CLERK of the City of Belmont